

HOUSE BILL No. 1711

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.5.

Synopsis: Public officers compensation commission. Establishes the public officers compensation commission to make recommendations to the general assembly for suitable salaries for public officials. Makes an appropriation for operation of the commission.

Effective: Upon passage; July 1, 2003.

**Klinker, Ulmer, Cochran, Dvorak,
Ayres**

January 21, 2003, read first time and referred to Committee on Ways and Means.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1711

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 1.5. Public Officers Compensation Commission**

5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **public officers compensation commission established by section 5**
7 **of this chapter.**

8 **Sec. 2. As used in this chapter, "political subdivision" has the**
9 **meaning set forth in IC 36-1-2-13.**

10 **Sec. 3. As used in this chapter, "public employee" refers to any**
11 **of the following:**

12 **(1) An employee of the state.**

13 **(2) An employee of a political subdivision.**

14 **(3) An employee of any other entity whose salary is paid in**
15 **any part from funds derived from taxes imposed by the state**
16 **or a political subdivision.**

17 **Sec. 4. As used in this chapter, "public officer" refers to any of**



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the following:

- (1) A member of the general assembly.
- (2) The governor.
- (3) The lieutenant governor.
- (4) The secretary of state.
- (5) The auditor of state.
- (6) The treasurer of state.
- (7) The attorney general.
- (8) The clerk of the supreme court.
- (9) The state superintendent of public instruction.
- (10) A justice of the supreme court of Indiana.
- (11) A judge of the court of appeals of Indiana.
- (12) A judge of the Indiana tax court.
- (13) A judge of a circuit, superior, probate, or county court.

Sec. 5. The public officers compensation commission is established.

Sec. 6. (a) The commission consists of the following members:

- (1) One (1) member appointed by the speaker of the house of representatives.
- (2) One (1) member appointed by the minority leader of the house of representatives.
- (3) One (1) member appointed by the president pro tempore of the senate.
- (4) One (1) member appointed by the minority leader of the senate.
- (5) One (1) member appointed by the chief justice of the supreme court of Indiana.
- (6) Two (2) members appointed by the governor. The members appointed under this subdivision may not be affiliated with the same political party.

(b) The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.

Sec. 7. (a) The term of a commission member begins on the later of the following:

- (1) July 1 after the member is appointed.



(2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the third year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 8. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 9. (a) Before July 1 of each year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

Sec. 10. Four (4) commission members constitute a quorum. The affirmative votes of at least four (4) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 11. The commission shall meet at the call of the chair and at other times as the commission considers necessary.

Sec. 12. Each member of the commission is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 13. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

Sec. 14. The legislative services agency may contract with consultants on behalf of the commission as the commission considers necessary to implement this chapter.

Sec. 15. Except as otherwise provided by this chapter, the

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commission is subject to the rules of the legislative council.

Sec. 16. The commission shall make reports to the general assembly as required by this chapter or by the legislative council.

Sec. 17. The commission shall meet at least one (1) time not later than April 1 of each even-numbered year to do the following:

(1) Receive information relating to the salaries of public officers.

(2) Consider recommendations for suitable salaries for public officers.

(3) Take testimony relating to the salaries of public officers.

Sec. 18. (a) When determining a recommendation for a suitable salary for a public officer, the commission may consider the following:

(1) The responsibilities of the office.

(2) The educational background required or desired for an individual who holds the office.

(3) The skills required or desired for the office.

(4) The experience required or desired for the office.

(5) The time required or desired to be spent to fulfill the duties of the office.

(6) The opportunity or lack of opportunity that an individual who holds the office has to earn other income.

(7) The salaries paid to government officers in other states that have comparable duties and authority.

(8) The salaries paid to comparable professionals in the private sector in Indiana and other comparable states based on the responsibility and discretion required from or desired in an individual who holds the office.

(9) The increase in the cost of living in Indiana since the most recent increase in the salary of the public officer.

(10) The benefits other than salaries provided to public officers.

(11) The ability to attract and retain qualified individuals to be public officers.

(12) The interests and welfare of the public.

(13) The financial ability of the state to meet the costs of salaries recommended by the commission.

(14) Other factors the commission considers relevant.

(b) The commission may give the weight to the factors described in subsection (a) that the commission considers appropriate.

(c) The commission may make recommendations to the general assembly concerning benefits other than salaries.



1 Sec. 19. (a) The commission shall make written
2 recommendations to the:

3 (1) legislative council; and

4 (2) budget committee;

5 concerning suitable salaries for public officers not later than
6 September 1 of each even-numbered year.

7 (b) When making recommendations, the commission shall make
8 a separate recommendation, including a recommendation for no
9 adjustment of salary, for each separate public officer listed in
10 section 4 of this chapter.

11 Sec. 20. A commission recommendation does not take effect
12 unless enacted by the general assembly.

13 Sec. 21. There is appropriated to the legislative services agency
14 from the state general fund money necessary for the operation of
15 the commission.

16 Sec. 22. Notwithstanding IC 1-1-1-8, the provisions of this
17 chapter are not severable.

18 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this
19 SECTION, "commission" refers to the public officers
20 compensation commission established by IC 2-5-1.5-5, as added by
21 this act.

22 (b) The appointing authorities shall appoint the commission
23 members not later than July 1, 2003.

24 (c) Notwithstanding IC 2-5-1.5-7, as added by this act, the term
25 of a commission member appointed under subsection (b) expires as
26 follows:

27 (1) The term of the member appointed by the speaker of the
28 house of representatives expires July 1, 2006.

29 (2) The term of the member appointed by the minority leader
30 of the house of representatives expires July 1, 2005.

31 (3) The term of the member appointed by the president pro
32 tempore of the senate expires July 1, 2006.

33 (4) The term of the member appointed by the minority leader
34 of the senate expires July 1, 2005.

35 (5) The term of the member appointed by the chief justice of
36 the supreme court of Indiana expires July 1, 2004.

37 (6) The term of a member appointed by the governor expires
38 as follows:

39 (A) The term of one (1) member expires July 1, 2006.

40 (B) The term of one (1) member expires July 1, 2004.

41 When making an appointment under this subdivision, the
42 governor shall state, subject to this subdivision, the date when

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- 1 the term of the member expires.
- 2 (d) Notwithstanding IC 2-5-1.5-7, as added by this act, the term
- 3 of a commission member begins the day the member accepts the
- 4 member's appointment.
- 5 (e) This SECTION expires July 1, 2006.
- 6 SECTION 3. An emergency is declared for this act.

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